



## Choctaw Nation of Oklahoma

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Federal Communications Commission  
Office of the Secretary

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Chairman, Ajit Pai

Federal Communications Commission

445 12th Street SW

Washington, DC 20554

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Chairman Pai,

The Choctaw Nation of Oklahoma values its government-to-government relationship with the Federal Communications Commission. On a day-to-day basis, we honor this relationship by reviewing communications tower construction projects under the National Historic Preservation Act (NHPA). This is done through the Tower Construction Notification System (TCNS), created by the FCC, with the input of both Tribes and Industry. From our perspective, this is perhaps the most efficient system for consultation under NHPA in existence. It is working quite well.

Since 2014, the Choctaw Nation has reviewed 1,318 projects in our 9 state area of historic interest through the TCNS system. While each of these projects builds important infrastructure, they also have the potential for irreparably damaging the human remains, sacred sites, and historic properties of our ancestors. Far more than bones and stones, these sites are at the very core of the culture and identity of our more than 200,000 Tribal citizens. Last year, we reviewed a project through the TCNS system that would have adversely affected the Choctaw Academy historic site in Kentucky. This site is connected to our treaties with the United States government; it was the home and place of education for dozens of our Tribal leaders from the

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last century, and has been on the National Register of Historic Places since 1972. Despite all of this, the Choctaw Academy was overlooked by the archaeologists who conducted the historic properties survey for the tower. Choctaw Nation's involvement brought this issue to light. We worked with the FCC and applicant to change the project design in such a way that the tower could still be constructed, but with minimal impact to this significant historic site.

The Choctaw Nation of Oklahoma takes our responsibilities through the TCNS system very seriously. We make our best effort to review each and every project in the specified timeframe. To do so, we have hired a dedicated TCNS Reviewer position. We have also developed databases documenting the locations of hundreds of Choctaw historic sites, including many that State Historic Preservation Officers of which they are not aware. In order to do this important work, in 2014, we began charging a fee for TCNS review that covers only the staff time involved in responding to the TCNS consultation requests and in maintaining the databases. The fee charged is not a money-making endeavor, but it does serve the Choctaw Nation's responsibility to protect our sacred and historic sites, while helping the FCC to meet its obligations under NHPA. It also allows Industry to get its projects reviewed in the most time-efficient means that is currently in existence.

We are aware that some voices are speaking negatively about the TCNS system, but for us and our partners, this system represents a product of years of consultation, coordination, and collaboration with the FCC. We have recommended it as a model to our other federal partners. It would be detrimental for all parties involved if this system were to go away.

The TCNS process was initially proposed through a Nationwide Programmatic agreement between the FCC and Industry. Although this agreement has effected and benefitted the Choctaw Nation of Oklahoma, we were not a party to it, nor have we ever been consulted regarding specific details and stipulations contained within the agreement. I would like to ask you to consider signing an individualized agreement with Choctaw Nation ensuring our Tribe's continued participation in this important TCNS system. We would expect such an agreement to lay out the responsibilities that both we and the FCC have under TCNS. In the spirit of continuing to work cooperatively with Industry, we are willing to identify our area of interest and the reasons for it,

to provide our fee structure and the reasons for it, and to commit to not raise our fees for a specified period of time.

I look forward to discussing this possibility with you further.

Respectfully,

A handwritten signature in cursive script, appearing to read "Gary D. Batton".

Gary D. Batton

Chief, Choctaw Nation of Oklahoma

cc: Lyle Ishida, Acting Chief, Office of Native American Affairs and Policy, Consumer and Government Affairs Bureau  
Jeffrey Steinberg, Deputy Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau